

Viscount Haldane, Lord High Chancellor and Great Lay Dignitary of British Empire, About to Visit New York

First Holder of the Office to Come to United States—Highest Law Officer of British Empire and Keeper of Great Seal, the Principal Instrument of Sovereignty—His Elevation to Woolsack Due to Bitter Quarrel With Sir Edward Grey

By F. CUNLIFFE-OWEN.
NEW YORK is about to receive the visit of the greatest lay dignitary of the British Empire. For Viscount Haldane, who sails this week from Liverpool, ranks above the Prime Minister by virtue of his ancient office of Lord High Chancellor, Keeper of the King's Conscience and Custodian of the Great Seal of the Realm. It is an office of which he is the 298th holder since its

occasions when the will of the monarch is to be officially expressed. Its impress in wax is attached to every royal charter, warrant and official document bearing the sign manual of the monarch. It is employed for all acts of State, for writs to summon Parliament, for the ratification of foreign treaties, &c., and all these documents have no legal value unless sealed with the Great Seal.
That is why James II, on his flight from England deliberately dropped the

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September, 1907, arriving and leaving by way of Halifax. In this connection it may be of interest to recall that at least one Lord Haldane's predecessors in office was born in this country. Lord Lyndhurst, who was Lord High Chancellor in four separate administrations, during the reigns of George IV., William IV. and Queen Victoria, was a native of Boston, where his father, John Singleton Copley, was celebrated as a painter, while his mother was a daughter of the merchant to whom were consigned those chests of tea that were emptied into Boston harbor, thereby precipitating the American war of independence.

Few people are aware of the strange manner in which Lord Haldane reached the woolsack, and of the causes of his transfer from the Secretaryship of State for War to the office of Lord High Chancellor last year. The truth is that it was brought about by a bitter quarrel between him and Sir Edward Grey, the Foreign Minister. Indeed, had not Lord Haldane given up the War Department for the Keepership of the Great Seal, Sir Edward would have resigned.
Some time previously Lord Haldane while still at the head of the War Department had gone to Berlin on what was generally understood to be a mission from the King and Cabinet to the Kaiser in order to confer about ways and means of settling the existing Anglo-German differences, thus relieving the tension between the two Powers. He spent a week at Berlin, had several exhaustive conversations with the Emperor, Chancellor von Bethmann-Hollweg and Foreign Minister Kiderlen-Waechter, in the course of which eighteen points were arranged on which England and Germany were to negotiate. Lord Haldane took this matter ad referendum, promising that within eight days the British Cabinet would intimate its views to the German Government on these proposals.

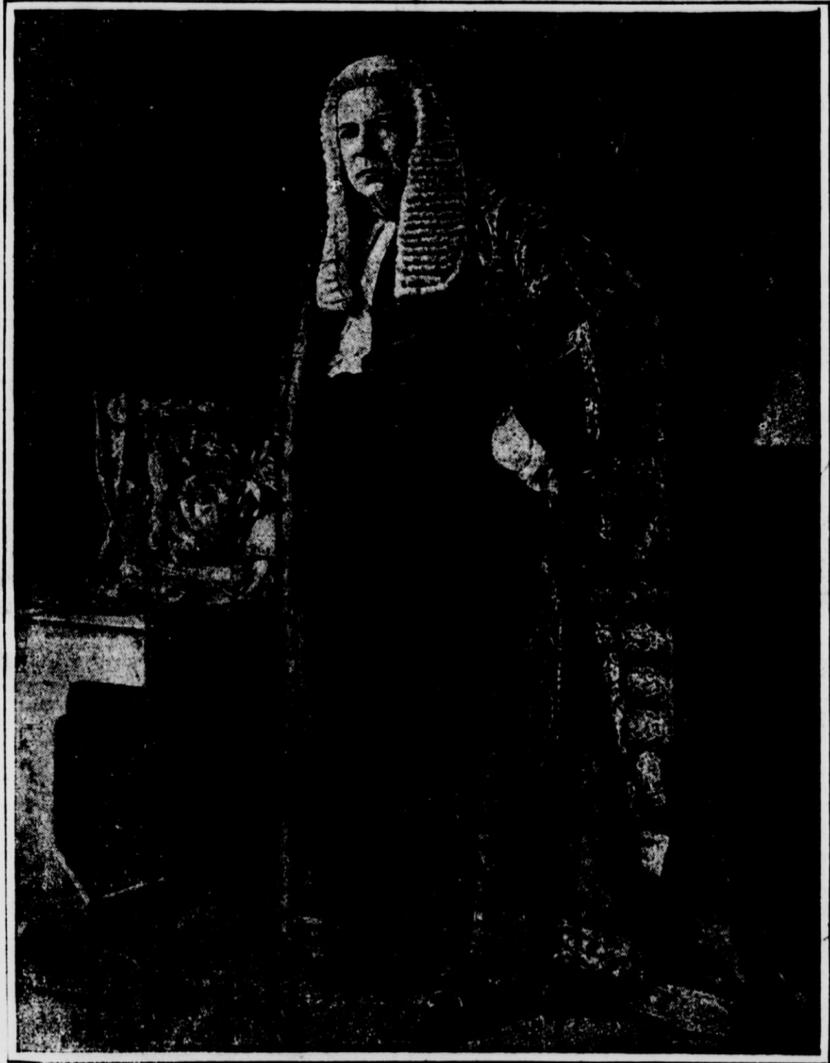
A fortnight passed without any answer whatever, whereupon a quiet, confidential question was addressed to the English Foreign Office from Berlin about the matter. The reply was altogether amazing. For it was to the effect that neither the Secretary of State for Foreign Affairs nor yet the British Cabinet could give any expression to their views. Lord Haldane had been to Berlin without their knowledge, authority or warrant; in a word that his mission was self-assumed and that whatever he had done at Berlin had been done in a purely private capacity. This disavowal of Lord Haldane naturally tended to confirm the report that while at Berlin he had attempted to commit England to opinions that did not meet with the approval of his colleagues.
What rendered Haldane's action particularly disconcerting and a disavowal imperative was the fact that he was at the time one of the Secretaries of State. In olden days there was only one Secretary of State. But as the British Empire grew the labor of the office became too arduous for any one man, and accordingly first one was added and then another until there are now five Secretaries of State, namely, for Foreign Affairs, for the Colonies, for India, for the Home Department and for War. Of course there are a number of acts of the sovereign which require the co-operation of the Secretary of State, and in this connection the five represent from a legal point of view the same office.

Thus when a royal birth occurs the Constitution demands the presence of a Secretary of State so as to relieve the reigning house from any of those popular imputations of supposition to which in former times, notably in the reign of James I., it has been subjected. Strictly speaking this duty falls to the lot of the Secretary for the Home Department; but falling him one of the other Secretaries of State can take his place; while no other member of the Cabinet, not even the Premier, is allowed to do so. In the same way and transferring him to the woolsack it was made impossible for him to interfere any further with foreign affairs, which rest in the capable hands of Sir Edward Grey. Moreover, it was strictly necessary for the King to remove from his position the seals of Secretary of State in order to emphasize in German eyes the Government's disapproval of his act. If Sir Edward took so firm a stand in the matter it was because his patience had already ere this incident been severely taxed by the officious private negotiations of other members of the Cabinet, notably the Chancellor of the Exchequer, Lloyd George, and Winston Churchill, now First Lord of the Admiralty but at that time Secretary of State for the Home Department, with Germany and other foreign Powers. Sir Edward's position, in fact, had been rendered intolerable thereby and had he not been upheld in his stand for non-interference he would have left the Cabinet.

Lord Haldane, although one of the most gifted and accomplished members of the Administration, was not a success at the War Department. For his reorganization of the British army in 1905, involving his abolition of the Militia, the Yeomanry and the Volunteer forces, which had rendered valuable service during the Boer war, and

all covered with gold lace and embroidery, over a court suit, his hair, or the remnants thereof, being concealed by one of those full bottomed wigs such as were worn by Charles II. of England and Louis XIV. of France. On minor occasions the Great Seal is borne before the Lord High Chancellor by his 22,000 a year pursbearer, arrayed in black knee breeches, black silk stockings and pumps, lace cuffs and cravat, a black coat of seventeenth century style, the costume being completed by a court sword.
Naturally Lord Haldane is not bringing the Great Seal with him to this country next week. There is an ancient statute still in force which strictly forbids the Great Seal of England from being taken out of the kingdom, and the only instance in English history of its leaving the island was when Cardinal Wolsey took it along with him to France on accompanying Henry VIII. to the meeting with King Francis on the Field of the Cloth of Gold. This was the principal offense charged against him in order to accomplish his disgrace, and for it he was subsequently impeached and punished at the instance of the sovereign. There is, however, no law directly forbidding the Lord High Chancellor from leaving the country.
Inasmuch as he is the official custodian of the Great Seal and it is supposed to be never out of his possession, it naturally follows that his absences from Great Britain are attended with much difficulty; that they cannot be undertaken without the express permission of the sovereign, who together with the Premier makes special arrangements for the care, custody and use of the Great Seal, by means of a royal commission, while its Lord Keeper is abroad. This may serve to explain why Lord Haldane has been obliged to seek the authorization of King George to visit New York, and to attend the meeting of the American Bar Association at Montreal at the end of this month, and why his stay on this side of the Atlantic is to be so very brief.

It is a mistake, however, to allege that he is the first Lord High Chancellor to make the trip across the ocean. For his predecessor as the woolsack, Lord Loreburn, visited Canada in



Viscount Haldane, Lord High Chancellor

first creation by William the Conqueror in 1068, just two years after the battle of Hastings, and among his most illustrious predecessors have been St. Thomas a Becket, Cardinal Wolsey, Sir Thomas More and Lord Verulam, better known as Sir Francis Bacon.

Perhaps some idea of the importance of Lord Haldane will be obtained when it is mentioned that he is the only person in the empire, aside from the King, the Queen and the heir apparent, whose killing is punishable, not as ordinary murder but as high treason. He is the principal law officer and justicer of the vast British Empire, with its 400,000,000 of population, superior to the Lord Chief Justice of England, of Ireland, and of the various overseas dependencies, as well as the Lord Justice General of Scotland. For he presides over the Judicial Committee of the Privy Council, to which, as the ultimate tribunal of the Crown, final appeal is made from the Supreme Courts in all parts of King George's dominions, from Australia, Canada, New Zealand, &c.

Moreover, as Lord High Chancellor Lord Haldane has the appointment of all the Judges of Supreme, Superior and County courts in England as well as of all the justices of the peace. He is the guardian of infants, idiots and lunatics, as well as of all those minors who have been made wards in Chancery. He possesses a special jurisdiction over all matters relating to charities and trusts, is visitor, that is to say, supervisor of all royal foundations and endowments, and as patron of all Crown livings enjoys an immense ecclesiastical patronage, since he has the right of appointment to all those benefices that owe their existence to the throne and Government. Moreover, he is Prolocutor of the House of Lords, issues the writs for the assembling of both houses of Parliament, and is the highest paid member of the Cabinet, his salary of \$50,000 a year being just double that enjoyed by the Prime Minister and his other colleagues.

But of all his responsibilities the most important is that which rests upon him as Keeper of the Great Seal of the Realm, which is the principal instrument of sovereignty. It is used on all

Great Seal into the Thames, knowing that there was nothing that he could possibly do that would cause so much inconvenience to the Government which had deposed him as the absence of the Great Seal, and the impossibility therefore to summon Parliament or to undertake any sovereign act until a new one was engraved. If he dropped this into the river rather than carry it away with him to France it was because he believed that he was being closely pursued and that he was almost certain of being captured before he reached the mouth of the Thames. The seal, it may be remembered, was recovered almost at once in the nets of a fisherman.

There have been only one or two occasions when the Great Seal has been lost. Thus Lord Chancellor Thurlow was robbed of the Great Seal through the burglary of his London residence in Great Ormond street, and it was never heard of again, the party spirit being so strong in those days that Lord Loughborough, who formed part of the Administration, actually ascribed the burglary and theft of the Great Seal to the Opposition as a manoeuvre designed to embarrass the Government. Lord Chancellor Eldon was in the habit of sleeping with the Great Seal under his pillow, and when on one occasion his house was partly destroyed by fire he hurried into the garden and buried it for safety in a flower bed.

"But," says Lord Campbell in describing the incident in his reminiscences, "what between his alarm on Lady Eldon's account and his admiration of the housemaids in their vestal attire he could not remember the next morning the spot where he had hidden the Great Seal, and you never saw anything so ridiculous as the entire family engaged in probing and digging about the garden until it was found."
The Great Seal is kept in an elaborate purple velvet and gold embroidered bag adorned with the royal arms of England. The State furnishes a new bag of this kind every year, at a cost of about \$500, and the old bag becomes the perquisite of the wife of the Lord High Chancellor, or, as in the case of Lord Haldane, who is a bachelor, of his sister, Lady Hardwick, whose hus-

band held the Chancellorship for various terms covering a period of twenty years, caused these purses to be used as hangings for one of the state bedsteads at her country seat, declaring that twenty purses just sufficed for the purpose, and would moreover constitute a proud heirloom to commemorate the founder of the family.
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- 10c White Batiste at 6c a yard. Street Floor, Livingston Street, East Building.
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- 25c Moire Taffeta Percaline, 15c a yard. Street Floor, Livingston Street, Central Building.
- \$3.49 and \$3.75 Turkish Bath Sheets, \$2.59. Street Floor, East Building.
- Men's 25c Sample Half Hose, 12 1/2c. Street Floor, Men's Building.